

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COMMIL USA, LLC

v.

CISCO SYSTEMS, INC., ET AL

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CIVIL ACTION NO. 2:07-CV-341 (CE)

**Jury Trial Day Two
May 12, 2010**

OPEN: 8:32 a.m.

ADJOURN: 5:20 p.m.

ATTORNEYS FOR PLAINTIFF:

Richard "Dick" Sayles
Eve Henson
Chris Hogue
Mark Werbner
Mark Strachan

ATTORNEYS FOR DEFENDANTS:

Jeff Ostrow
Otis Carroll
Harrison "Buzz" Frahn
Patrick King
Mike Jones

LAW CLERK:

Jim Warriner

COURT REPORTER:

Shelly Holmes, CSR

COURTROOM DEPUTY:

Jan Lockhart

8:32 a.m. Court opened. Mr. Werbner continued direct examination of Mr. Soffer.

9:08 a.m. Mr. Ostrow conducted cross examination of Mr. Soffer.

9:45 a.m. Mr. Werbner stated he had no further questions. Mr. Soffer was excused.

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9:46 a.m. Mr. Sayles asked to read the parties' stipulations into the record. The Court gave the parties instructions with respect to stipulations.

9:48 a.m. Mr. Sayles then called Bob O'Hara to testify by video deposition.

9:49 a.m. Mr. Frahn requested a bench conference.

9:50 a.m. Bench conference held.

9:51 a.m. Video deposition of Mr. O'Hara was shown.

10:10 a.m. Video deposition concluded. Jury excused until 10:30 a.m.

10:11 a.m. Hearing outside the presence of the jury.

10:15 a.m. Court recess.

10:42 a.m. Mr. Sayles called Patrick Calhoun by video deposition.

11:07 a.m. Mr. Sayles called Robert Friday to testify by video deposition.

11:19 a.m. Mr. Sayles called Jonathan David to testify. Mr. David was previously sworn.

11:38 a.m. Mr. Carroll conducted cross examination of Mr. David.

12:02 p.m. Lunch recess until 1:30 p.m. Jury excused.

12:03 p.m. Hearing outside the presence of the jury.

12:05 p.m. Court adjourned.

12:29 p.m. Hearing outside the presence of the jury. Mr. Strachan called Roger Carlile to testify. Mr. Carlile was sworn and examined under oath.

1:02 p.m. Court recess.

1:35 p.m. Court reconvened. Mr. Carroll passed the witness. Mr. Sayles read stipulation into the record.

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1:39 p.m. Mr. Strachan called Roger Carlile to testify. Mr. Carlile was sworn and examined under oath.

2:39 p.m. Mr. Carroll conducted cross examination of Mr. Carlile.

3:22 p.m Jury excused until 3:40 p.m.

3:23 p.m. Hearing outside the presence of the jury.

3:28 p.m. Court recess.

3:44 p.m. Court reconvened.

3:46 p.m. Mr. Carroll concluded cross examination of Mr. Carlile.

3:49 p.m. Mr. Strachan conducted re-direct examination of Mr. Carlile.

4:03 p.m. Mr. Carroll conducted re-cross examination of Mr. Carlile.

4:04 p.m. The parties passed the witness. Mr. Sayles indicated that the Plaintiff rested. Bench conference.

4:05 p.m. Mr. Frahn called Bob O'Hara to testify on behalf of Defendant. Mr. O'Hara was sworn and examined under oath.

5:05 p.m. Court excused the jury for the day.

5:06 p.m. Mr. King presented Judgments as a Matter of Law on behalf of Defendant.

5:20 p.m. Court adjourned.